

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

1. NEGLIGENT VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227(b)]
2. WILLFUL VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227(b)]
3. NEGLIGENT VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227(c)]
4. WILLFUL VIOLATIONS
OF THE TELEPHONE
CONSUMER PROTECTION
ACT [47 U.S.C. §227(c)]

DEMAND FOR JURY TRIAL

1 Plaintiffs, ABANTE ROOTER AND PLUMBING, INC. and SIDNEY
2 NAIMAN, (“Plaintiffs”), individually and on behalf of all others similarly situated,
3 alleges the following upon information and belief based upon personal knowledge:

4 **NATURE OF THE CASE**

5 1. Plaintiff brings this action individually and on behalf of all others
6 similarly situated seeking damages and any other available legal or equitable
7 remedies resulting from the illegal actions of SKYLINE BUILDING CARE, INC.
8 (“Defendant”), in negligently, knowingly, and/or willfully contacting Plaintiff on
9 Plaintiff’s cellular telephone in violation of the Telephone Consumer Protection
10 Act, 47. U.S.C. § 227 *et seq.* (“TCPA”) and related regulations, specifically the
11 National Do-Not-Call provisions, thereby invading Plaintiff’s privacy.

12 **JURISDICTION & VENUE**

13 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiffs,
14 residents of California, seek relief on behalf of a Class, which will result in at least
15 one class member belonging to a different state than that of Defendant, a
16 corporation licensed in, and doing business within and throughout, California.
17 Plaintiffs also seek up to \$1,500.00 in damages for each call in violation of the
18 TCPA, which, when aggregated among a proposed class in the thousands, exceeds
19 the \$5,000,000.00 threshold for federal court jurisdiction. Therefore, both diversity
20 jurisdiction and the damages threshold under the Class Action Fairness Act of 2005
21 (“CAFA”) are present, and this Court has jurisdiction.

22 3. Venue is proper in the United States District Court for the Northern
23 District of California pursuant to 28 U.S.C. § 1391(b) and because Defendant does
24 business within the State of California and Plaintiffs reside within the Counties of
25 Alameda and Contra Costa.

26 **PARTIES**

27 4. Plaintiff, ABANTE ROOTER AND PLUMBING, INC. (“Plaintiff
28 Abante”), is a corporation of the State of California, whose principal place of

1 business is in the county of Alameda and is a “person” as defined by 47 U.S.C. §
2 153 (39).

3 5. Plaintiff, SIDNEY NAIMAN (“Plaintiff Naiman”) is a natural person
4 residing in the county of Contra Costa, and is a “person” as defined by 47 U.S.C. §
5 153 (39).

6 6. Defendant, SKYLINE BUILDING CARE, INC. (“Defendant”) is a
7 janitorial service company, and is a “person” as defined by 47 U.S.C. § 153 (39).

8 7. The above named Defendant, and its subsidiaries and agents, are
9 collectively referred to as “Defendants.” The true names and capacities of the
10 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are
11 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious
12 names. Each of the Defendants designated herein as a DOE is legally responsible
13 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the
14 Complaint to reflect the true names and capacities of the DOE Defendants when
15 such identities become known.

16 8. Plaintiffs are informed and believe that at all relevant times, each and
17 every Defendant was acting as an agent and/or employee of each of the other
18 Defendants and was acting within the course and scope of said agency and/or
19 employment with the full knowledge and consent of each of the other Defendants.
20 Plaintiffs are informed and believe that each of the acts and/or omissions
21 complained of herein was made known to, and ratified by, each of the other
22 Defendants.

23 **FACTUAL ALLEGATIONS**

24 9. Beginning on or around September 5, 2017, and continuing through
25 December of 2017, Defendant contacted Plaintiff Abante on Plaintiff Abante’s
26 cellular telephone numbers ending in -7511, -1636, -7210, -0106, -7447, -1080,
27 and -3803 in an attempt to solicit Plaintiff Abante to purchase Defendant’s services.

28 10. Beginning on or around September 6, 2017, and continuing through

1 September 13, 2017, Defendant contacted Plaintiff Naiman on Plaintiff Naiman's
2 cellular telephone number ending in -5502 in an attempt to solicit Plaintiff Naiman
3 to purchase Defendant's services.

4 11. Defendant used an "automatic telephone dialing system" as defined
5 by 47 U.S.C. § 227(a)(1) to place its calls to Plaintiffs seeking to solicit its services.

6 12. Defendant contacted or attempted to contact Plaintiffs from telephone
7 numbers belonging to Defendant, including without limitation: (415) 985-2172,
8 (609) 225-5799, (800) 872-8278, (636) 209-6021, and (212) 777-3456.

9 13. Defendant's calls constituted calls that were not for emergency
10 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

11 14. During all relevant times, Defendant did not possess Plaintiffs' "prior
12 express consent" to receive calls using an automatic telephone dialing system or an
13 artificial or prerecorded voice on its cellular telephones pursuant to 47 U.S.C. §
14 227(b)(1)(A).

15 15. Further, four of Plaintiff Abante's cellular telephone numbers, ending
16 in -7511, -0106, -1080 and -1636, were added to the National Do-Not-Call Registry
17 on or about August 27, 2009, February 21, 2007, November 12, 2014, and July 14,
18 2005, well over thirty (30) days prior to Defendant's initial calls to Plaintiff Abante.

19 16. Plaintiff Naiman's cellular telephone number, ending in -5502, was
20 added to the National Do-Not-Call Registry on or about July 27, 2003, well over
21 thirty (30) days prior to Defendant's initial calls to Plaintiff Naiman.

22 17. In addition, Plaintiffs requested numerous times that Defendant put its
23 cellular numbers on Defendant's internal Do-Not-Call list. Despite such requests,
24 Defendant continued to call Plaintiffs' cellular telephones.

25 18. Defendant placed multiple calls soliciting its business to Plaintiff
26 Abante on its cellular telephones beginning on or about September 5, 2017, and
27 continuing until on or about December 4, 2017, and to Plaintiff Naiman on his
28 cellular telephone beginning on or about September 6, 2017, and continuing until

on or about September 13, 2017.

19. Such calls constitute solicitation calls pursuant to 47 C.F.R. § 64.1200(c)(2) as they were attempts to promote or sell Defendant's services.

20. Plaintiffs received numerous solicitation calls from Defendant within a 12-month period.

21. Defendant continued to call Plaintiffs in an attempt to solicit its services and in violation of the National Do-Not-Call provisions of the TCPA.

22. Upon information and belief, and based on Plaintiffs' experiences of being called by Defendant after being on the National Do-Not-Call list for several years prior to Defendant's initial call, and at all relevant times, Defendant failed to establish and implement reasonable practices and procedures to effectively prevent telephone solicitations in violation of the regulations prescribed under 47 U.S.C. § 227(c)(5).

CLASS ALLEGATIONS

23. Plaintiffs bring this action individually and on behalf of all others similarly situated, as a member of the four proposed classes (hereafter, jointly, "The Classes").

24. The class concerning the ATDS claim for no prior express consent (hereafter "The ATDS Class") is defined as follows:

All persons within the United States who received any solicitation/telemarketing telephone calls from Defendant to said person's cellular telephone made through the use of any automatic telephone dialing system or an artificial or prerecorded voice and such person had not previously consented to receiving such calls within the four years prior to the filing of this Complaint

25. The class concerning the ATDS claim for revocation of consent, to the extent prior consent existed (hereafter "The ATDS Revocation Class") is defined

as follows:

All persons within the United States who received any solicitation/telemarketing telephone calls from Defendant to said person's cellular telephone made through the use of any automatic telephone dialing system or an artificial or prerecorded voice and such person had revoked any prior consent to receive such calls prior to the calls within the four years prior to the filing of this Complaint

26. The class concerning the National Do-Not-Call violation (hereafter "The DNC Class") is defined as follows:

All persons within the United States registered on the National Do-Not-Call Registry for at least 30 days, who had not granted Defendant prior express consent nor had a prior established business relationship, who received more than one call made by or on behalf of Defendant that promoted Defendant's products or services, within any twelve-month period, within four years prior to the filing of the complaint.

27. The class concerning the National Do-Not-Call violation following revocation of consent and prior business relationship, to the extent they existed (hereafter "The DNC Revocation Class") is defined as follows:

All persons within the United States registered on the National Do-Not-Call Registry for at least 30 days, who received more than one call made by or on behalf of Defendant that promoted Defendant's products or services, after having revoked consent and any prior established business relationship, within any twelve-month period, within four years prior to the filing of the complaint.

28. Plaintiffs represent, and are members of, The ATDS Class, consisting

1 of all persons within the United States who received any solicitation telephone calls
2 from Defendant to said person's cellular telephone made through the use of any
3 automatic telephone dialing system or an artificial or prerecorded voice and such
4 person had not previously not provided their cellular telephone number to
5 Defendant within the four years prior to the filing of this Complaint.

6 29. Plaintiffs represent, and are members of, The ATDS Revocation
7 Class, consisting of all persons within the United States who received any
8 solicitation/telemarketing calls from Defendant to paid person's cellular telephone
9 made through the use of any automatic telephone dialing system or an artificial or
10 prerecorded voice and such person had revoked any prior express consent to receive
11 such calls prior to the calls within the four years prior to the filing of this Complaint.

12 30. Plaintiffs represents, and are members of, The DNC Class, consisting
13 of all persons within the United States registered on the National Do-Not-Call
14 Registry for at least 30 days, who had not granted Defendant prior express consent
15 nor had a prior established business relationship, who received more than one call
16 made by or on behalf of Defendant that promoted Defendant's products or services,
17 within any twelve-month period, within four years prior to the filing of the
18 complaint.

19 31. Plaintiffs represent, and are members of, The DNC Revocation Class,
20 consisting of all persons within the United States registered on the National Do-
21 Not-Call Registry for at least 30 days, who received more than one call made by or
22 on behalf of Defendant that promoted Defendant's products or services, after
23 having revoked consent and any prior established business relationship, within any
24 twelve-month period, within four years prior to the filing of the complaint.

25 32. Defendant, its employees, and agents are excluded from The Classes.
26 Plaintiffs do not know the number of members in The Classes, but believes the
27 Classes members number in the thousands, if not more. Thus, this matter should
28 be certified as a Class Action to assist in the expeditious litigation of the matter.

1 33. The Classes are so numerous that the individual joinder of all of its
2 members is impractical. While the exact number and identities of The Classes
3 members are unknown to Plaintiffs at this time and can only be ascertained through
4 appropriate discovery, Plaintiffs are informed and believe and thereon allege that
5 The Classes include thousands of members. Plaintiffs allege that The Classes
6 members may be ascertained by the records maintained by Defendant.

7 34. Plaintiffs and members of The ATDS Class were harmed by the acts
8 of Defendant in at least one of the following ways: Defendant illegally contacted
9 Plaintiffs and ATDS Class members via their cellular telephones thereby causing
10 Plaintiffs and ATDS Class and ATDS Revocation Class members to incur certain
11 charges or reduced telephone time for which Plaintiffs and ATDS Class and ATDS
12 Revocation Class members had previously paid by having to retrieve or administer
13 messages left by Defendant during those illegal calls, and invading the privacy of
14 said Plaintiffs and ATDS Class and ATDS Revocation Class members.

15 35. Common questions of fact and law exist as to all members of The
16 ATDS Class which predominate over any questions affecting only individual
17 members of The ATDS Class. These common legal and factual questions, which
18 do not vary between ATDS Class members, and which may be determined without
19 reference to the individual circumstances of any ATDS Class members, include,
20 but are not limited to, the following:

- 21 a. Whether, within the four years prior to the filing of this
22 Complaint, Defendant made any telemarketing/solicitation call
23 (other than a call made for emergency purposes or made with
24 the prior express consent of the called party) to a ATDS Class
25 member using any automatic telephone dialing system or any
26 artificial or prerecorded voice to any telephone number
27 assigned to a cellular telephone service;
- 28 b. Whether Plaintiffs and the ATDS Class members were

1 damaged thereby, and the extent of damages for such violation;
2 and

3 c. Whether Defendant should be enjoined from engaging in such
4 conduct in the future.

5 36. As persons that received numerous telemarketing/solicitation calls
6 from Defendant using an automatic telephone dialing system or an artificial or
7 prerecorded voice, without Plaintiffs' prior express consent, Plaintiffs are asserting
8 claims that are typical of The ATDS Class.

9 37. Common questions of fact and law exist as to all members of The
10 ATDS Revocation Class which predominate over any questions affecting only
11 individual members of The ATDS Revocation Class. These common legal and
12 factual questions, which do not vary between ATDS Revocation Class members,
13 and which may be determined without reference to the individual circumstances of
14 any ATDS Revocation Class members, include, but are not limited to, the
15 following:

16 a. Whether, within the four years prior to the filing of this
17 Complaint, Defendant made any telemarketing/solicitation call
18 (other than a call made for emergency purposes or made with
19 the prior express consent of the called party) to an ATDS
20 Revocation Class member, who had revoked any prior express
21 consent to be called using an ATDS, using any automatic
22 telephone dialing system or any artificial or prerecorded voice
23 to any telephone number assigned to a cellular telephone
24 service;

25 b. Whether Plaintiffs and the ATDS Revocation Class members
26 were damaged thereby, and the extent of damages for such
27 violation; and

28 c. Whether Defendant and their agents should be enjoined from

engaging in such conduct in the future.

38. As persons that received numerous telemarketing/solicitation calls from Defendant using an automatic telephone dialing system or an artificial or prerecorded voice, after Plaintiffs had revoked any prior express consent, Plaintiffs are asserting claims that are typical of The ATDS Revocation Class.

39. Plaintiffs and members of The DNC Class and DNC Revocation Class were harmed by the acts of Defendant in at least the following ways: Defendant illegally contacted Plaintiffs and DNC Class and DNC Revocation Class members via their telephones for solicitation purposes, thereby invading the privacy of said Plaintiffs and the DNC Class and DNC Revocation Class members whose telephone numbers were on the National Do-Not-Call Registry. Plaintiffs and the DNC Class and DNC Revocation Class members were damaged thereby.

40. Common questions of fact and law exist as to all members of The DNC Class which predominate over any questions affecting only individual members of The DNC Class. These common legal and factual questions, which do not vary between DNC Class members, and which may be determined without reference to the individual circumstances of any DNC Class members, include, but are not limited to, the following:

- a. Whether, within the four years prior to the filing of this Complaint, Defendant or its agents placed more than one solicitation call to the members of the DNC Class whose telephone numbers were on the National Do-Not-Call Registry and who had not granted prior express consent to Defendant and did not have an established business relationship with Defendant;
- b. Whether Defendant obtained prior express written consent to place solicitation calls to Plaintiffs or the DNC Class members' telephones;

1 c. Whether Plaintiffs and the DNC Class member were damaged
2 thereby, and the extent of damages for such violation; and

3 d. Whether Defendant and its agents should be enjoined from
4 engaging in such conduct in the future.

5 41. As persons that received numerous solicitation calls from Defendant
6 within a 12-month period, who had not granted Defendant prior express consent
7 and did not have an established business relationship with Defendant, Plaintiffs are
8 asserting claims that are typical of the DNC Class.

9 42. Common questions of fact and law exist as to all members of The
10 DNC Class which predominate over any questions affecting only individual
11 members of The DNC Revocation Class. These common legal and factual
12 questions, which do not vary between DNC Revocation Class members, and which
13 may be determined without reference to the individual circumstances of any DNC
14 Revocation Class members, include, but are not limited to, the following:

15 a. Whether, within the four years prior to the filing of this
16 Complaint, Defendant or its agents placed more than one
17 solicitation call to the members of the DNC Class whose
18 telephone numbers were on the National Do-Not-Call Registry
19 and who had revoked any prior express consent and any
20 established business relationship with Defendant;

21 b. Whether Plaintiffs and the DNC Class member were damaged
22 thereby, and the extent of damages for such violation; and

23 c. Whether Defendant and its agents should be enjoined from
24 engaging in such conduct in the future.

25 43. As persons that received numerous solicitation calls from Defendant
26 within a 12-month period, who, to the extent one existed, had revoked any prior
27 express consent and any established business relationship with Defendant,
28 Plaintiffs are asserting claims that are typical of the DNC Revocation Class.

1 44. Plaintiff will fairly and adequately protect the interests of the members
2 of The Classes. Plaintiff has retained attorneys experienced in the prosecution of
3 class actions.

4 45. A class action is superior to other available methods of fair and
5 efficient adjudication of this controversy, since individual litigation of the claims
6 of all Classes members is impracticable. Even if every Classes member could
7 afford individual litigation, the court system could not. It would be unduly
8 burdensome to the courts in which individual litigation of numerous issues would
9 proceed. Individualized litigation would also present the potential for varying,
10 inconsistent, or contradictory judgments and would magnify the delay and expense
11 to all parties and to the court system resulting from multiple trials of the same
12 complex factual issues. By contrast, the conduct of this action as a class action
13 presents fewer management difficulties, conserves the resources of the parties and
14 of the court system, and protects the rights of each Classes member.

15 46. The prosecution of separate actions by individual Classes members
16 would create a risk of adjudications with respect to them that would, as a practical
17 matter, be dispositive of the interests of the other Classes members not parties to
18 such adjudications or that would substantially impair or impede the ability of such
19 non-party Class members to protect their interests.

20 47. Defendant has acted or refused to act in respects generally applicable
21 to The Classes, thereby making appropriate final and injunctive relief with regard
22 to the members of the Classes as a whole.

23 **FIRST CAUSE OF ACTION**

24 **Negligent Violations of the Telephone Consumer Protection Act**

25 **47 U.S.C. §227(b).**

26 **On Behalf of the ATDS Class and ATDS Revocation Class**

27 48. Plaintiffs repeat and incorporate by reference into this cause of action
28 the allegations set forth above at Paragraphs 1-47.

 49. The foregoing acts and omissions of Defendant constitute numerous

1 and multiple negligent violations of the TCPA, including but not limited to each
 2 and every one of the above cited provisions of *47 U.S.C. § 227(b)*, and in particular
 3 *47 U.S.C. § 227 (b)(1)(A)*.

4 50. As a result of Defendant's negligent violations of *47 U.S.C. § 227(b)*,
 5 Plaintiffs and the Class Members are entitled an award of \$500.00 in statutory
 6 damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

7 51. Plaintiffs and the ATDS Class and the ATDS Revocation Class
 8 members are also entitled to and seek injunctive relief prohibiting such conduct in
 9 the future.

10 **SECOND CAUSE OF ACTION**
 11 **Knowing and/or Willful Violations of the Telephone Consumer Protection**
 12 **Act**

13 **47 U.S.C. §227(b)**

14 **On Behalf of the ATDS Class and the ATDS Revocation Class**

15 52. Plaintiffs repeat and incorporate by reference into this cause of action
 16 the allegations set forth above at Paragraphs 1-47.

17 53. The foregoing acts and omissions of Defendant constitute numerous
 18 and multiple knowing and/or willful violations of the TCPA, including but not
 19 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(b)*,
 20 and in particular *47 U.S.C. § 227 (b)(1)(A)*.

21 54. As a result of Defendant's knowing and/or willful violations of *47*
 22 *U.S.C. § 227(b)*, Plaintiffs and the ATDS Class and the ATDS Revocation Class
 23 members are entitled an award of \$1,500.00 in statutory damages, for each and
 24 every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

25 55. Plaintiffs and the Class members are also entitled to and seek
 26 injunctive relief prohibiting such conduct in the future.

27 **THIRD CAUSE OF ACTION**
 28 **Negligent Violations of the Telephone Consumer Protection Act**
47 U.S.C. §227(c)
On Behalf of the DNC Class

56. Plaintiffs repeat and incorporate by reference into this cause of action the allegations set forth above at Paragraphs 1-47.

57. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of 47 U.S.C. § 227(c), and in particular 47 U.S.C. § 227 (c)(5).

58. As a result of Defendant's negligent violations of 47 U.S.C. § 227(c), Plaintiffs and the DNC Class Members are entitled an award of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5)(B).

59. Plaintiffs and the DNC Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

FOURTH CAUSE OF ACTION
Knowing and/or Willful Violations of the Telephone Consumer Protection Act
47 U.S.C. §227 et seq.
On Behalf of the DNC Class

60. Plaintiffs repeat and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-47.

61. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of 47 U.S.C. § 227(c), in particular 47 U.S.C. § 227 (c)(5).

62. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(c), Plaintiffs and the DNC Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5).

63. Plaintiffs and the DNC Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

FIRST CAUSE OF ACTION

**Negligent Violations of the Telephone Consumer Protection Act
47 U.S.C. §227(b)**

- As a result of Defendant's negligent violations of 47 U.S.C. §227(b)(1), Plaintiffs and the ATDS Class and ATDS Revocation members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).
- An order for injunctive relief prohibiting such conduct by Defendants in the future.
- Any and all other relief that the Court deems just and proper.

SECOND CAUSE OF ACTION

Knowing and/or Willful Violations of the Telephone Consumer Protection Act

47 U.S.C. §227(b)

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiffs and the ATDS Class and the ATDS Revocation Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- An order for injunctive relief prohibiting such conduct by Defendants in the future.
- Any and all other relief that the Court deems just and proper.

THIRD CAUSE OF ACTION

**Negligent Violations of the Telephone Consumer Protection Act
47 U.S.C. §227(c)**

- As a result of Defendant's negligent violations of 47 U.S.C. §227(c)(5), Plaintiffs and the DNC Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(c)(5).

- An order for injunctive relief prohibiting such conduct by Defendants in the future.
- Any and all other relief that the Court deems just and proper.

FOURTH CAUSE OF ACTION

Knowing and/or Willful Violations of the Telephone Consumer Protection Act

47 U.S.C. §227(c)

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(c)(5), Plaintiffs and the DNC Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(c)(5).
- An order for injunctive relief prohibiting such conduct by Defendants in the future.
- Any and all other relief that the Court deems just and proper.

JURY TRIAL

64. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiffs are entitled to, and demands, a trial by jury.

Respectfully Submitted this 14th Day of November, 2018.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman
Todd M. Friedman
Law Offices of Todd M. Friedman
Attorney for Plaintiffs